

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DERIK L MAPLES,

Petitioner,

v.

MARGARET GILBERT,

Respondent.

CASE NO. C16-5209 RJB-JRC

REPORT AND RECOMMENDATION

NOTED: JULY 29, 2016

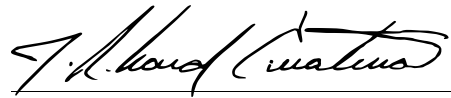
The District Court has referred this petition for a writ of habeas corpus to United States Magistrate Judge J. Richard Creatura. The Court's authority for referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner filed the petition pursuant to 28 U.S.C. § 2254.

This is a federal habeas action filed under 28 U.S.C. § 2254. Petitioner has submitted an application seeking leave to proceed with this action *in forma pauperis*. On June 15, 2016, petitioner paid the \$5.00 filing fee. Petitioner's application to proceed *in forma pauperis* (Dkt. 4) is therefore MOOT.

The Court recommends that petitioner's application to proceed *in forma pauperis* (Dkt. 4) be **DENIED** as **MOOT**.

1 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have  
2 fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P.  
3 6. Failure to file objections will result in a waiver of those objections for purposes of *de novo*  
4 review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit  
5 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on **July**  
6 **29, 2016** as noted in the caption.

7 Dated this 6th day of July, 2016.

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10 J. Richard Creatura  
11 United States Magistrate Judge  
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